IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 8573 OF 2003.

Hashumal J. Ramchandani .. Petitioner.

V/s.

Vasiomal Parashram Mansinghani,
since deceased, by
his legal heirs
Padma Visional Mansinghani & ors.
.. Respondents.

Shri S.M. Gorwadkar for the petitioner.

Shri M.M. Sathaye for the respondents.

CORAM : V.C.DAGA, J.

DATED : 1.12.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. By impugned judgment and order the Additional District Judge, Nasik, upheld the bonafide need of the landlord-respondent after discussing threadbare the material available on record and the circumstances prevailing in the facts of the case. No fault can be found with the approach adopted by the lower appellate Court. By no stretch of imagination the order can be said to be a perverse order. In this view of the matter, petition is dismissed in limine with no order as to costs.

2. At this stage, learned Counsel appearing for

the petitioner seeks time to vacate the suit premises till 31st May 2006, on furnishing usual undertaking. Learned Counsel for the respondents has no objection for grant of reasonable time subject to filing usual undertaking within 2 weeks from today. The request appears to be reasonable. Accordingly, petitioner is granted time till 31st May 2006, to vacate the suit premises, subject to filing usual undertaking in this Court within 2 weeks from today, undertaking to vacate the suit premises on or before 31st May 2006; with further undertaking to pay agreed rent by way of occupation charges by 10th of each month so long as he occupies the premises and also undertaking not to create third party interest in respect of the suit premises. Needless to mention that failure on the part of the petitioner to file usual undertaking within the period prescribed, it would be open for the respondents to execute the decree in accordance with law.